

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.:2005-0889-PST-E TCEQ ID: RN101192136 CASE NO.: 25403
RESPONDENT NAME: Imran Charolia

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Rosehill Country Store, 17835 Farm-to-Market Road 2920, Harris County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on January 14, 2005 alleging no corrosion protection, no swivels, no release detection, no Stage II Vapor Recovery inspections or tests and no line or line leak detector tests. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 16, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC 149, (210) 403-4006; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896</p> <p style="margin-left: 20px;">Respondent: Mr. Imran Charolia, 17835 Farm-to-Market Road 2920, Tomball, Texas 77377-5824</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: January 14, 2005</p> <p>Dates of Investigations Relating to this Case: February 11, and May 3, 2005</p> <p>Date of NOE Relating to this Case: April 15, 2005 (NOE)</p> <p>Background Facts: This was a complaint investigation. Eleven violations were documented.</p> <p>WASTE</p> <p>1) Failed to monitor underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2) Failed to provide proper release detection for the piping associated with UST system [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].</p> <p>3) Failed to test a line leak detector at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].</p> <p>4) Failed to have the impressed current cathodic protection system regularly inspected at least once every 60 days by the owner or operator to ensure that the rectifier and other system components are operating properly [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d)].</p> <p>5) Failed to have the cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</p>	<p>Total Assessed: \$7,875</p> <p>Total Deferred: \$1,575 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$175 (remaining \$6,125 to be paid in 35 monthly payments of \$175 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Mr. Charolia has implemented the following corrective measures at the Station:</p> <p>a. Successfully passed line and line leak detector tests on February 15, 2005;</p> <p>b. Submitted Stage II Vapor Recovery (SII) System records, including a daily inspection log and proof of SII training for the Facility Representative and each employee on February 21, 2005; and</p> <p>c. Successfully passed SII System testing on February 15, 2005.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin monitoring the UST system for releases;</p> <p>ii. Ensure that the cathodic protection system is tested by a qualified corrosion specialist or corrosion technician and that the rectifier and other system components are inspected for proper operation;</p> <p>iii. Install swivel adaptors on the USTs; and</p> <p>iv. Submit payment for all outstanding fees, including any associated penalties and interest.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.i through 2.a.iv.</p>

6) Failed to maintain records on-site at facilities ordinarily manned during business hours, and make immediately available for review upon request by authorized representatives of the TCEQ [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to maintain proof of attendance and completion of training and documentation of all SII training for each employee [30 TEX. ADMIN. CODE § 115.246(4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to maintain a daily inspection log [30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to verify proper operation of the SII equipment at least once every twelve months or upon major system replacement or modification [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failed to maintain all components of the SII System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system. This requirement includes the absence or disconnection of any component that is a part of the approved system. Specifically, there were no swivel adaptors installed on the USTs [30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failed to pay UST Registration fees for Petroleum Storage Tank Facility ID No. 41224, TCEQ Financial Administration Account No. 0052297U, for fiscal year 2005 [30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702].

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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 10, 2005

DATES	Assigned	18-Apr-2005	Screening	04-May-2005	EPA Due	
	PCW	23-May-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Imran Charolia		
Reg. Ent. Ref. No.	RN101192136		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25403	No. of Violations	6
Docket No.	2005-0889-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **5% Enhancement** Subtotals 2, 3, & 7 **\$375**

Notes: Penalty enhancement for one previous NOV issued for the same/similar violation as one in this case.

Culpability **No** **0% Enhancement** Subtotal 4 **\$0**

Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply **0% Reduction** Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent is not yet in compliance.

Economic Benefit **0% Enhancement*** Subtotal 6 **\$0**

Total EB Amounts	\$184
Approx. Cost of Compliance	\$2,595

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$7,875**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$7,875**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$7,875**

DEFERRAL

20% ReductionAdjustment **-\$1,575**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

\$6,300

Screening Date 04-May-2005 **Docket No.** 2005-0889-PST-E **PCW**
Respondent Imran Charolia *Policy Revision 2 (September 2002)*
Case ID No. 25403 *PCW Revision May 10, 2005*
Reg. Ent. Reference No. RN101192136
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes Penalty enhancement for one previous NOV issued for the same/similar violation as one in this case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 04-May-2005**Docket No.** 2005-0889-PST-E**PCW****Respondent** Imran Charolia

Policy Revision 2 (September 2002)

Case ID No. 25403

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN101192136**Media [Statute]** Petroleum Storage Tank**Enf. Coordinator** Trina Grieco**Violation Number** 1**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2), and (b)(2)(A)(i)(III)**Secondary Rule Cite(s)** Tex. Water Code § 26.3475(a) and (c)(1)**Violation Description**

Failed to monitor underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), failed to provide proper release detection for the piping associated with UST system, and failed to test a line leak detector at least once per year for performance and operational reliability.

Base Penalty \$10,000>> **Environmental, Property and Human Health Matrix****Harm**

OR

Release	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent**Matrix Notes**

Failure to monitor the UST system, including piping, can result in the exposure of a significant amount of contaminants which would exceed levels that are protective to human health and the environment.

Adjustment -\$7,500**Base Penalty Subtotal** \$2,500**Violation Events****Number of Violation Events** 1

	daily	
	monthly	
mark only one	quarterly	X
use a small x	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date of February 11, 2005 to the screening date of May 4, 2005.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$8**Violation Final Penalty Total** \$2,625**This violation Final Assessed Penalty (adjusted for limits)** \$2,625

Economic Benefit Worksheet

Respondent Imran Charolia
 Case ID No. 25403
 Reg. Ent. Reference No. RN101192136
 Media [Statute] Petroleum Storage Tank
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$120	11-Feb-2005	01-Jan-2006	0.9	\$0	\$7	\$7
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$125	11-Feb-2005	15-Feb-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense for line and line leak detector testing and for personnel to put automatic tank gauge into test mode. Date required based on the investigation date. Final date based on the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$245****TOTAL** **\$8**

Screening Date 04-May-2005	Docket No. 2005-0889-PST-E	PCW
Respondent Imran Charolia		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 25403		<small>PCW Revision May 10, 2005</small>
Reg. Ent. Reference No. RN101192136		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Trina Grieco		
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>	
Primary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 334.49(c)(2)(C) and (c)(4)</div>	
Secondary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">Tex. Water Code § 26.3475(d)</div>	
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failed to have the impressed current cathodic protection system regularly inspected at least once every 60 days by the owner or operator to ensure that the rectifier and other system components are operating properly and failed to have cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years.</div>	
Base Penalty		<div style="border: 1px solid black; padding: 2px; text-align: right;">\$10,000</div>

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px; text-align: right;">25%</div>
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">X</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px; text-align: right;"></div>

Matrix Notes

Failure to have the cathodic protection system inspection and tested regularly can result in the exposure of a significant amount of contaminants which may exceed levels that are protective to human health and the environment.

Adjustment

-\$7,500

Base Penalty Subtotal

\$2,500

Violation Events

Number of Violation Events

1

mark only one use a small x	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px; text-align: right;">\$2,500</div>
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">X</div>	

One single event is recommended for the 3 year period preceding the investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; padding: 2px; text-align: right;">\$133</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px; text-align: right;">\$2,625</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px; text-align: right;">\$2,625</div>	

Economic Benefit Worksheet

Respondent Imran Charolia
 Case ID No. 25403
 Reg. Ent. Reference No. RN101192136
 Media [Statute] Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	11-Feb-2005	26-Jan-2006	1.0	\$1	\$19	\$20
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$750	11-Feb-2002	11-Feb-2005	3.0	\$113	n/a	\$113

Notes for DELAYED costs

Estimated expense (\$300) for an employee to inspect the cathodic protection system rectifier once every 60 days (\$50 every other month for one year). Estimated expense (\$750) to have cathodic protection system tested. Dates required is 3 years prior to the investigation date. Final date is the date of the investigation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,050****TOTAL** **\$133**

Screening Date 04-May-2005	Docket No. 2005-0889-PST-E	PCW
Respondent Imran Charolia		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 25403		<small>PCW Revision May 10, 2005</small>
Reg. Ent. Reference No. RN101192136		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Trina Grieco		
Violation Number	<div style="border: 1px solid black; padding: 2px;">3</div>	
Primary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 115.246(7)(A)</div>	
Secondary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 115.246(4) and (6) and Tex. Health & Safety Code § 382.085(b)</div>	
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failure to maintain records on-site at facilities ordinarily manned during business hours, and make immediately available for review upon request by authorized representatives of the Texas Commission on Environmental Quality (TCEQ), including a daily inspection log and proof of Stage II Vapor Recovery (SII) training for the Facility Representative as well as each employee.</div>	
Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$10,000</div>

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent <div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			Percent <div style="border: 1px solid black; padding: 2px;">10%</div>

Matrix Notes

Failure to maintain SII records means that 100% of the rule requirements were not met.

Adjustment

-\$9,000

Base Penalty Subtotal

\$1,000

Violation Events

Number of Violation Events

1

mark only one use a small x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$1,000</div>
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	x	

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; padding: 2px;">\$0</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$1,050</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px;">\$1,050</div>	

Economic Benefit Worksheet

Respondent Imran Charolia
 Case ID No. 25403
 Reg. Ent. Reference No. RN101192136
 Media [Statute] Petroleum Storage Tank
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	11-Feb-2005	21-Feb-2005	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to develop and maintain a recordkeeping system for required SII documents. Date required based on the investigation date. Final date is based on the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$100****TOTAL** **\$0**

Screening Date 04-May-2005**Docket No.** 2005-0889-PST-E**PCW****Respondent** Imran Charolia

Policy Revision 2 (September 2002)

Case ID No. 25403

PCW Revision May 10, 2005

Reg. Ent. Reference No. RN101192136**Media [Statute]** Petroleum Storage Tank**Enf. Coordinator** Trina Grieco**Violation Number** 4**Primary Rule Cite(s)** 30 Tex. Admin. Code § 115.245(2)**Secondary Rule Cite(s)** Tex. Health & Safety Code § 382.085(b)**Violation Description** Failed to verify proper operation of the SII equipment at least once every twelve months or upon major system replacement or modification.**Base Penalty** \$10,000>> **Environmental, Property and Human Health Matrix****Harm**

Release	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent**Matrix Notes**

Failure to verify proper operation of the SII equipment can result in the exposure of a significant amount of contaminants which may not exceed levels that are protective to human health and the environment.

Adjustment -\$9,000**Base Penalty Subtotal** \$1,000**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$1,000

One annual event is recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$0**Violation Final Penalty Total** \$1,050**This violation Final Assessed Penalty (adjusted for limits)** \$1,050

Economic Benefit Worksheet

Respondent Imran Charolia
 Case ID No. 25403
 Reg. Ent. Reference No. RN101192136
 Media [Statute] Petroleum Storage Tank
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	11-Feb-2005	15-Feb-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to conduct required annual testing. Date required based on the investigation date. Final date based on the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500****TOTAL** **\$0**

Screening Date	04-May-2005	Docket No.	2005-0889-PST-E	PCW
Respondent	Imran Charolia			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	25403			<i>PCW Revision May 10, 2005</i>
Reg. Ent. Reference No.	RN101192136			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Trina Grieco			
Violation Number	5			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.242(3)(A)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain all components of the SII system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system. This includes the absence or disconnection of any component that is a part of the approved system. Specifically, there were no swivel adaptors installed on the USTs.			
		Base Penalty	\$10,000	

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent 5%
	Potential			X	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent
Matrix Notes	Failing to install swivel adaptors on the USTs can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.					

Adjustment -\$9,500**Base Penalty Subtotal** \$500**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$43**Violation Final Penalty Total** \$525**This violation Final Assessed Penalty (adjusted for limits)** \$525

Economic Benefit Worksheet

Respondent Imran Charolia
 Case ID No. 25403
 Reg. Ent. Reference No. RN101192136
 Media [Statute] Petroleum Storage Tank
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$700	11-Feb-2005	01-Jan-2006	0.9	\$2	\$41	\$43
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs					Estimated expense to install swivel adaptors on the USTs. Date required based on the investigation date. Final date based on the projected compliance date.		

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance **\$700****TOTAL** **\$43**

Screening Date	04-May-2005	Docket No.	2005-0889-PST-E	PCW
Respondent	Imran Charolia			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	25403			<i>PCW Revision May 10, 2005</i>
Reg. Ent. Reference No.	RN101192136			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Trina Grieco			
Violation Number	6			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.22(a)			
Secondary Rule Cite(s)	Tex. Water Code § 5.702			
Violation Description	Failed to pay UST Registration fees for Petroleum Storage Tank Facility ID No. 41224, TCEQ Financial Administration Account No. 0052297U, for fiscal year 2005.			
		Base Penalty	\$10,000	

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>
Matrix Notes	<input type="text"/>					

Adjustment **Base Penalty Subtotal** **Violation Events**

Number of Violation Events	<input type="text"/>
mark only one use a small x	daily <input type="text"/>
	monthly <input type="text"/>
	quarterly <input type="text"/>
	semiannual <input type="text"/>
	annual <input type="text"/>
	single event <input type="text"/>

Violation Base Penalty

No administrative penalty was calculated for this violation because penalty and interest will be assessed in the next billing cycle.
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Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

Economic Benefit Worksheet

Respondent Imran Charolia
 Case ID No. 25403
 Reg. Ent. Reference No. RN101192136
 Media [Statute] Petroleum Storage Tank
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs					Not applicable.		

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs					Not applicable.		

Approx. Cost of Compliance **TOTAL**

Compliance History

Customer/Respondent/Owner-Operator: CN603191511 Imran Charolia Classification: AVERAGE Rating: 0.500

Regulated Entity: RN101192136 ROSEHILL COUNTRY STORE Classification: AVERAGE Site Rating: 0.50

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012308
WATER LICENSING	LICENSE	1012308
PETROLEUM STORAGE TANK	REGISTRATION	41224
REGISTRATION		

Location: 17835 FM 2920 RD, HARRIS COUNTY Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 02, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 02, 2000 to May 02, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

2 10/22/2003 (151723)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/30/2001 (58091)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)

Description: FAILURE TO COMPLY

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
IMRAN CHAROLIA
RN101192136

§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2005-0889-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Imran Charolia ("Mr. Charolia") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Charolia appear before the Commission and together stipulate that:

1. Mr. Charolia operates a convenience store with retail sales of gasoline at 17835 Farm-to-Market Road 2920, Harris County, Texas (the "Station").
2. Mr. Charolia's two (2) underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Mr. Charolia agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Charolia is subject to the Commission's jurisdiction.
4. Mr. Charolia received notice of the violations alleged in Section II ("Allegations") on or about April 20, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Charolia of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Charolia has paid One Hundred Seventy-Five Dollars (\$175) of the administrative penalty and One Thousand Five Hundred Seventy-Five Dollars (\$1,575) is deferred contingent upon Mr. Charolia's timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Charolia fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Charolia to pay all or part of the deferred penalty.

The remaining amount of Six Thousand One Hundred Twenty-Five Dollars (\$6,125) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Seventy-Five Dollars (\$175) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Charolia fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Charolia to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Charolia to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Charolia have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Charolia has implemented the following corrective measures at the Station:
 - a. Successfully passed line and line leak detector tests on February 15, 2005;
 - b. Submitted Stage II Vapor Recovery (SII) System records, including a daily inspection log and proof of SII training for the Facility Representative and each employee on February 21, 2005; and
 - c. Successfully passed SII System testing on February 15, 2005.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Charolia has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Station, Mr. Charolia is alleged to have:

1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on February 11, 2005;
2. Failed to provide proper release detection for the piping associated with UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on February 11, 2005;
3. Failed to test a line leak detector at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on February 11, 2005;
4. Failed to have the impressed current cathodic protection system regularly inspected at least once every 60 days by the owner or operator to ensure that the rectifier and other system components are operating properly, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 334.3475(d), as documented during an investigation conducted on February 11, 2005;
5. Failed to have the cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on February 11, 2005;
6. Failed to maintain records on-site at facilities ordinarily manned during business hours, and make immediately available for review upon request by authorized representatives of the TCEQ, in violation of 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 11, 2005;
7. Failed to maintain proof of attendance and completion of training and documentation of all SII training for each employee, in violation of 30 TEX. ADMIN. CODE § 115.246(4) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 11, 2005;
8. Failed to maintain a daily inspection log, in violation of 30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 11, 2005;
9. Failed to verify proper operation of the SII equipment at least once every twelve months or upon major system replacement or modification, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 11, 2005;

10. Failed to maintain all components of the SII System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system, in violation of 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 11, 2005. This requirement includes the absence or disconnection of any component that is a part of the approved system. Specifically, there were no swivel adaptors installed on the USTs; and
11. Failed to pay UST Registration fees for Petroleum Storage Tank Facility ID No. 41224, TCEQ Financial Administration Account No. 0052297U, for fiscal year 2005, in violation of 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702, as documented during a record review investigation conducted on May 3, 2005.

III. DENIALS

Mr. Charolia generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Charolia pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Mr. Charolia's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Imran Charolia, Docket No. 2005-0889-PST-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that Mr. Charolia shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin monitoring the UST system for releases, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - ii. Ensure that the cathodic protection system is tested by a qualified corrosion specialist or corrosion technician and that the rectifier and other system components are inspected for proper operation, in accordance with 30 TEX. ADMIN. CODE § 334.49;

- iii. Install swivel adaptors on the USTs, in accordance with 30 TEX. ADMIN. CODE § 115.242; and
- iv. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Imran Charolia" and reference TCEQ Financial Administration Account No. 0052297U to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.i through 2.a.iv.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification shall be submitted to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Waste Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Charolia. Mr. Charolia is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Mr. Charolia fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Charolia's failure to comply is not a violation of this Agreed Order. Mr. Charolia shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Charolia shall notify the Executive Director within seven days after Mr. Charolia becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Charolia shall be made in writing to the Executive Director. Extensions are not effective until Mr. Charolia receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Charolia in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Charolia, or three days after the date on which the Commission mails notice of the Order to Mr. Charolia, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Imran Charolia
DOCKET NO. 2005-0889-PST-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Orrell

For the Executive Director

7/25/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Imran Charolia

Signature

5/23/07

Date

Imran Charolia

Name (Printed or typed)
Authorized Representative of
Imran Charolia

Operator

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Section at the address in Section IV, Paragraph 1 of this Agreed Order.

